Maharaja. It can be discontinued and utilised otherwise for the benefit of the general public.

Second Member of Council.—

I am afraid I cannot agree to such an analogy.

Capt. Y. V. Ayya.—

Even now, will the Government be pleased to consider it as a suggestion from this Assembly?

Dewan.—

This is not the time for considering suggestions.

General Principles of the Municipal Bills for the Management of Municipal Affairs in (1) Cities, (2) Towns, and (3) Minor Municipalities—(*contd*).

With reference to Sub-Para (3) of Clause 24 relating to affording the municipal councils concerned, opportunity to show cause against confirmation, revision or modification of the Deputy Commissioner's orders suspending their resolutions, the SECOND MEMBER OF COUNCIL said that, as per the suggestions of some members, made in the course of the discussions the previous day, Government would have no objection to providing for due notice being given to the councils before taking any action.

Sub-Para (4).

THE SECOND MEMBER OF COUNCIL explained as follows :—

Government Officers or other persons who take lawful action on behalf of or in default of municipal councils and enter into contracts, etc., are also afforded the same protection as is extended to municipal authorities.

MR. H. B. GUNDAPPA asked why any officer should take any action on behalf of the municipal council without consulting the council itself.

THE SECOND MEMBER OF COUNCIL said that while subordinate officials of the municipal councils had every reasonable protection, the officers acting on behalf of those councils had none.

MR. H. B. GUNDAPPA feared that if this provision was accepted, any and every officer having any kind of connection

with the municipal councils, however remote, would get the benefit of it.

THE FIRST MEMBER OF COUNCIL invited the attention of the member to the wording of the statement of general principles. "Lawful action," he said, meant that the officer must be empowered under the Regulation to take certain action, in which case alone the protection would be given.

MR. H. B. GUNDAPPA insisted that the action taken by the officer must be taken in consultation with the council, if he should be entitled to any protection.

THE SECOND MEMBER OF COUNCIL replied that this provision referred only to protection as against third parties, and not as between the officer and the council.

The principle was then accepted by the House.

(25) *Chief Officers.*

THE SECOND MEMBER OF COUNCIL explained the general principles as follows:—

In order to provide for satisfactory discharge of executive routine administration, the appointment of Chief Officers is made compulsory, except in special cases where Government consider such appointment as unnecessary. This is necessary as the municipal council or the committee in whom the executive administration is vested under the existing Regulation can do little more than determine questions of policy and the Government Officers who are *ex-officio* Presidents in the majority of municipalities or the non-official Presidents in a few municipalities cannot be expected to devote minute attention to municipal matters.

In order that there may be no clash between the Chief Officer and the President who is the chief executive officer, it is provided that the Chief Officer should exercise his powers and perform his duties subject to the general control of the President.

It is also considered necessary to enhance the powers of the Chief Officer by allowing him to exercise the powers of the municipal council specified in Clauses 81, 85 (2) and (3), 91, 95 (3), (4) and (5), 98 (2) proviso, 100, 101, 103, 105, 107 (3), 120, 124, 126, 146, 149, 156, 163 (2), 169, 173 (3), 190 and 191.

MR. G. CHANNAPPA referred to Paragraph 1 and said that he did not want the Government to have power to compel any and every municipal council to appoint a Chief Officer. With reference to Paragraph 2 he said that it was not sufficient

to say that the Chief Officer should perform his duties and exercise his powers subject to the *general* control of the President; he wanted the Chief Officer to be definitely subject to the President's *disciplinary* control.

With regard to the President exercising only *general* control over the Chief Officer, Mr. G. Channappa said that the former could not punish the latter even with a fine. Of course, the President could bring about the removal of the Chief Officer, but that would be too much of a punishment for minor mistakes that might be committed by the officer.

THE SECOND MEMBER OF COUNCIL pointed out that where such action might be called for, the Chief Officer might be reduced, suspended or removed by a two-thirds majority of votes of the municipal council.

THE FIRST MEMBER OF COUNCIL added that, where a two-thirds majority was not obtained, the Government could adequately deal with the Chief Officer and punish him suitably.

MR. G. CHANNAPPA wanted the Presidents to be enabled to exercise some powers directly, provision being made, if necessary, for appeals to the municipal council or even to the Government against the Presidents. He added that Government need not suspect that Presidents would abuse any such powers given to them. He was only anxious that some real powers should be given to the Presidents, these being withdrawn in case of abuse.

KHAN BAHADUR MAHOMED ABBAS KHAN thought that all the municipal staff will be subordinate to the Chief Officer, and, if the President could fine that officer as he pleased, there would be little difference in the treatment accorded to this officer and to his subordinates. There were Chief Officers of the rank and status of Amildars already in some municipalities and it was necessary that those municipalities treated their Chief Officers with due respect. When even Deputy Commissioners could not fine Assistant Commissioners, he asked why non-official Presidents should be so anxious to fine high officials like Chief Officers.

MR. J. MAHOMED IMAM said that the Chief Officer should be subject to the President's disciplinary control and must distinctly realise that he was a subordinate of the President. Every home and institution, he said, must be subordinate to one master and if the Chief Officer was not definitely regarded as a subordinate officer, hitch between him and the President would become inevitable, the municipal administration was bound to be unsatisfactory, and unhealthy party spirit might

set in, the Chief Officer identifying himself with one party and the President with another.

THE DEWAN pointed out that the proposed rule was an improvement on the existing provision, because at present the President had no control over the Chief Officer.

MESSRS. G. CHANNAPPA and D. S. MALLAPPA were thankful to the Government for the improvement effected but considered that there was no use giving powers which could not be exercised.

THE FIRST MEMBER OF COUNCIL said that, if the House so wished, only the existing rules would be followed.

MR. H. B. GUNDAPPA said that no purpose would be served by Government giving enhanced powers to non-official Presidents with one hand and withdrawing them with the other. He also thought that every municipal council should have the discretion to appoint a Chief Officer or not, according to its own financial resources.

THE DEWAN replied that the idea was that the final voice regarding the appointment of Chief Officers should rest with the Government.

MR. H. B. GUNDAPPA said that local self-government was not worth having unless the local bodies had at least certain independent powers.

THE FIRST MEMBER OF COUNCIL explained that it was not the object of Government to compel every municipal council to appoint a Chief Officer. It was their intention to make the appointments in consultation with the municipal councils concerned. But it would be necessary for them to insist on such appointment in cases where municipal administration was not going on satisfactorily on account of internal dissensions.

MR. H. B. GUNDAPPA wanted that it should be made clear that compulsion would come in only in case of mismanagement.

As regards the President's power, Mr. H. B. Gundappa said that, at present, the President could not even send up confidential reports concerning the Chief Officer.

THE FIRST MEMBER OF COUNCIL replied that there was nothing to prevent it.

MR. GUNDAPPA remarked that, even though there was nothing to prevent it, no useful purpose would be served by such reports; because the tendency of higher officers was to treat such reports in a light-hearted fashion because they came from non-officials.

Mr. Gundappa stated, with reference to the removal of

a Chief Officer, that the Bill provided that the Chief Officer could be removed by a two-thirds majority of votes. In that case, he would be placed on a footing of equality with the President so far as removal was concerned. He wanted that the Chief Officer's removal should be effected even if there was a bare majority of votes against him.

MR. S. I. MUMTAZ agreed with the views expressed by Mr. G. Channappa. When Chief Officers would ordinarily be of the same grade as Sanitary Inspectors whom the Presidents could fine, he did not see any reason why the power of fining Chief Officers should be denied to the Presidents. He also thought that it was not clear from the Bill whether the Chief Officer was subordinate to the council or above it.

KHAN BAHADUR MAHOMED ABBAS KHAN explained that non-official Presidents might change at every triennial election, and if there was nobody to manage the municipal work so as to conduce to continuity, it would be prejudicial to the interests of the municipality as well as of the rate-payers. Hence, it was necessary that every municipality should have a Chief Officer. Secondly, Chief Officers, who were educated and experienced men, were very necessary in all municipal councils in order to help the Presidents in the satisfactory discharge of all their duties which often involved many ticklish points. The fear that Chief Officers would become more powerful than the Presidents themselves, he said, was groundless because any President and any council could recommend adequate punishment to the Chief Officer whenever he erred or acted contrary to the wishes and interests of the council.

MR. S. VISVESVARA RAO explained that the object of any municipal institution was not merely to get local work efficiently done but also create a civic spirit and raise the general level of intelligence of the persons coming within the jurisdiction of such institution. If Chief Officers were appointed, the Government would be giving power to the municipalities with one hand and taking it away with the other. If the Chief Officers' appointment was made compulsory and they were not made subordinate to the non-official Presidents, the object of local self-government could not be achieved and non-official Presidents would in effect be reduced to the position of puppets. Secondly, he said that the financial position of a council should alone decide whether or not a Chief Officer should be appointed. It would be a pity, he said, to compel a council to do things which would mean the incurring of expenditure over and above its income; and

in support of this view he quoted the following from the speeches of Mr. G. K. Gokhale:—

"If new obligations are imposed on the shoulders of municipalities, such legislation will come to be regarded by the public not as a scheme of local self-government but as a scheme of local self-exaction."

In these circumstances, if Chief Officers were appointed, they must be made entirely subordinate to the non-official Presidents. If this was not done, he feared that there would be room for friction and creation of parties. He however thought that multiplicity of officers would not conduce to the efficient work of the municipalities.

Mr. H. R. T. Rajagopala Mudaliar thought that the object of Government in placing all these restrictions on local bodies was probably to paralyse the scheme of local self-government. In his own municipality (Hunsur), the Chief Officer was drawing a salary of Rs. 100 per mensem which was certainly a drain on the resources of the municipality. Chief Officers and Sanitary Inspectors together would take away 25 per cent or more of the total income and all the duties expected of the councils could not be attended to with the balance of money available. He therefore wanted Chief Officers to be appointed only when the municipal councils wanted them, secondly, when their finances permitted of such appointment, and thirdly, that, where appointed, the Chief Officers should be subject to the disciplinary control of the Presidents.

Mr. D. S. Mallappa observed that the management of the premier city municipality of Bangalore was a standing example of how even a President with no high academical qualifications could manage the work of a municipality successfully. That municipality did not even want a high officer like a Commissioner to assist the President. He did not therefore doubt that non-official Presidents of town municipalities could manage the affairs of those municipalities without the help of Chief Officers. He did not know why the Government, while showing to the outside world that they were anxious to promote local self-government in the State, should impose unnecessary restrictions on local bodies. The Presidents ought to be in a position to properly pull up erring Chief Officers by inflicting on them light punishments whenever necessary. Otherwise, the work of the municipalities could not go on smoothly. There was no justification for the suspicion that simply because the Presidents had the power to punish the Chief Officers, they would be anxious to exercise that power. Non-official Presidents of District Boards as well as of municipal councils, for instance, were not abusing

the powers which they had so far enjoyed. Suitable powers might therefore be given to them in future also, appeal to the council against the President's order being provided for if necessary. But there was no doubt that non-official Presidents should have disciplinary control over the Chief Officers. Otherwise, party spirit would become inevitable and it was the rate-payers of the municipalities that would ultimately have to suffer.

The speaker further observed that he did not want that the municipalities should be compelled to employ Chief Officers, and desired that even where they were appointed, provision should be made for the removal of such officers even by a bare majority of votes.

MR. R. SUBBA RAO of Anekal said that in many municipalities the expenditure was never less than the income, and any question of further commitments such as the pay of Chief Officers was out of consideration. He suggested, therefore, that the appointment of Chief Officers should be left to the discretion of the councils.

MR. H. C. DASAPPA said that, just as there was a Government officer, *i.e.*, the Commissioner, in each city municipality which enjoyed the privilege of electing a non-official President, a Chief Officer was also necessary in all town municipalities with non-official Presidents. He did not think that that would mean any reflection on local self-government or on the capacity of the non-official Presidents. Even at present, there were Chief Officers in some of the municipalities and he was not aware of any case where any trouble of the kind apprehended by some of the previous speakers had arisen. Chief Officers were necessary to carry on routine business of the councils which it was not always possible for the President to attend to. They would be responsible to carry out the wishes of the councils and not go against them. The object of these appointments was not to create dissensions. On the other hand, the municipalities themselves had asked for the appointment of such officers in the past. As regards the desirability of every council being asked to appoint a Chief Officer he said that instead of saying that all the municipalities should appoint Chief Officers, exceptions being however permitted by Government, it was better to say that wherever necessary and financially possible in the opinion of Government, they should be appointed.

THE DEWAN replied that Government would have no objection to accept the suggestion. He also said that the words " and no such officer shall be punishable with fine "

would be deleted in Section 236 (i). As regards disciplinary control being given to Presidents over Chief Officers, he thought that the existing wording of the section was comprehensive enough.

MESSRS. G. CHANNAPPA and D. S. MALLAPPA said that, if that was the view of the Government, the House would have no objection to let the provision remain as it was.

Continuing, the DEWAN said that with regard to the removal of Chief Officers, whatever provisions applied to non-official Presidents would also apply to Chief Officers, and that necessary verbal alterations would be effected in the Bill.

The general principles concerning Chief Officers were agreed to by the House in the light of the observations of the Government.

With regard to the last item regarding enhancing the powers of the Chief Officer, MR. P. SUBBARAMA CHETTY pointed out that the powers proposed to be given to the Chief Officer would, *ipso facto*, be made applicable in the case of the Commissioner also. But, whereas the actions of the Chief Officer were subject to the control of the President, it was not so in the case of the Commissioner who was not subject to any control under the existing Regulation. So, he wanted his actions also to be made subject to appeal to the municipal council.

THE SECOND MEMBER OF COUNCIL said that the point under discussion pertained only to the Chief Officer and not to the Commissioner and that the powers of the latter could be dealt with under the next section. Section 183 contained the powers of the Chief Officer and the proposal here was to add 4 or 5 sections to it regarding his executive functions in routine matters. The new section made it clear that the Chief Officer shall work under the general control of the President. He added that the new section did not contain any change of general principles and that the details would be examined by the Select Committee in due course.

MR. D. S. MALLAPPA pointed out that, in Section 240, the Chief Officer was given an independent power of making appointments without the previous sanction of the municipal council. He thought it necessary to specify that that power also was subject to the control of the President.

THE SECOND MEMBER OF COUNCIL explained that that applied only to the appointments to the menial service and that, under the general principles accepted on the previous day, all the actions of the Chief Officer would be subject to the control of the President.

MR. S. I. MUMTAZ said that there were several clauses under this section newly added which required to be scrutinized. For example, Section 85 (2) was a new provision and still no reference had been made to it in the statement of general principles placed before the Assembly.

THE SECOND MEMBER OF COUNCIL replied that it would be noted for further examination.

Subject to the above observations, the principles were agreed to.

(26) Powers of the Municipal Commissioner.

THE SECOND MEMBER OF COUNCIL explained as follows:—

It is considered necessary to enhance the powers of the Municipal Commissioner. The powers of the municipal council with regard to the ascertainment and determination of the amount of costs or expenses in disputes provided for in Clause 197 of the Bills and the powers of the municipal council to compound offences under Section 161 (*a*) of the present Regulation are proposed to be conferred on the Municipal Commissioner.

KHAN BAHADUR MAHOMED ABBAS KHAN said that, subject to the decision of Government in regard to the drafting of Clause 197 (2), he had no objection to agree to the proposal herein made.

MR. P. SUBBARAMA CHETTY said that, under the new provision, the Municipal Commissioner would, besides exercising all the powers conferred on the Chief Officer, also exercise certain additional powers. But there was this difference: whereas the actions of the Chief Officer would always be subject to the control of the President, those of the Municipal Commissioner were not. For example, there was the power of giving licenses which was invested in the Municipal Commissioner. No appeal to the municipal council against the decisions of the Commissioner was provided. The party had to resort to a civil court for relief. He therefore suggested that an appeal should lie to the municipal council against the Commissioner's orders. If this suggestion was objected to on the ground that there would be delay in the disposal of questions owing to the infrequency of municipal meetings, he said that the appeal might lie to the Managing Committee of the council.

THE SECOND MEMBER OF COUNCIL explained that, as observed by the previous speaker, the Commissioner had all

the powers of the Chief Officer and in addition he was also given certain other powers under the statute. As regards the remark that some hardship was caused by vesting in the Commissioner certain absolute powers, he pointed out that those powers in the new section extended in two directions: firstly, towards nuisance cases where he had to take immediate action in the interest of the sanitation of the locality, and there was no need for control over that power; and secondly, towards those relating to the regulation of building construction under Section 122. As regards this class of cases, there was no provision for check or control over the actions of the Commissioner. These pertained to matters relating to immovable property involving civil rights, to the issue of licenses, etc. As it was an important question, the Government would see that the entire section was scrutinised in detail before the provisions were embodied in the final Bill.

At this stage, MR. BELUR SRINIVASA IYENGAR said that, while dwelling on the powers of the Municipal Commissioner, it was important to refer to the channel of communication between the municipal council and the Government. As this was a new section, he observed that it was the duty of Government to have included it in the Statement of General Principles placed before the Assembly for their consideration.

THE SECOND MEMBER OF COUNCIL said that the question of the channel of communication between the Government and the municipal council was not of such an important nature as to take up any time of the Assembly. He, however, assured the Assembly that all the minor points also would be duly considered by the Government before the Bill was brought up in a final form before the Legislative Council.

MR. BELUR SRINIVASA IYENGAR, continuing, represented that certain difficulties were being experienced by the Bangalore City Municipal Council ever since the appointment of the Municipal Commissioner and that it was all on account of Section 126 (1) which stated that no appeal shall lie against the orders of the Commissioner in certain important matters. He therefore urged that this clause should be modified so as to bring his action under the control of the municipal council.

THE SECOND MEMBER OF COUNCIL, however, promised that all consequential amendments would be duly considered before the Bill was finally drafted for the Legislative Council.

Sub-Para (2).

THE SECOND MEMBER OF COUNCIL explained as follows:—

The limit of power of the Municipal Commissioner to enter into contracts without the sanction of the municipal council is also raised from Rs. 500 to Rs. 1,000 in order to avoid frequent references to the municipal council.

MESSRS. M. P. SOMASEKHARA RAO, P. SUBBARAMA CHETTY and B. L. BYANNA were not in favour of raising the power of the Commissioner to enter into contracts.

CAPT. Y. V. AYYA was, however, for accepting the new provision.

THE DEWAN explained that the proposed enhancement of power applied only to the execution of works previously sanctioned by competent authority and would tend to speedy execution. If the proposal was not acceptable, he said that Government would not press it.

At this stage, the SECOND MEMBER OF COUNCIL referred to item 22 in the statement (Power to fix Costs) which had been left undecided on the previous day, and said that, owing to a number of new sections coming in, it might not be necessary to incorporate Clause 197. He assured the House that the matter would be further scrutinized and a decision reached.

This was agreed to.

II. Minor Municipalities Bill.

THE SECOND MEMBER OF COUNCIL explained the general principles of the Bill as follows:—

The existing Regulation is found to be unsuitable to minor municipal councils and these councils have been excepted from many of the provisions of the Regulation. Minor municipalities do not require elaborate provisions and the provisions to be made may be limited to what are really essential, the remaining provisions being regulated by rules which the Government may prescribe. The Minor Municipalities Bill has been prepared, keeping these principles in view. The most important changes introduced by the Bill are the following:—

(1) Constitution of Minor Municipalities.

The minimum population for constituting an area as a minor municipality is fixed at 3,000.

The Second Member of Council explained that, in the existing Regulation, the population limit was 2,000 and that it was proposed to increase it to 3,000. He also said that in other provinces the minimum was fixed at a higher level.

MR. V. V. IYER thought that not only the minimum population but also the minimum income might form the basis for the constitution of a minor municipality.

Many other members represented that the minimum population might be fixed at 2,500.

MR. L. VEMA REDDY said that even certain villages with a larger population were satisfied to remain as Village Panchayets and did not favour their conversion into minor municipalities for the reason that such a conversion would involve greater financial responsibilities. He, therefore, did not favour any lowering of the population limit.

KHAN BAHADUR MAHOMED ABBAS KHAN and MR. K. A. RAHIM were also of the same opinion and observed that this Regulation should not defeat the Village Panchayet scheme.

MR. MAHOMED IMAM observed that it would be easy enough for any local area to constitute itself into a minor municipality but the difficulty would be experienced only while maintaining it. Certain heavy responsibilities like road maintenance, opening of hospitals, travellers' bungalows, and giving grants to certain institutions, etc., would spring up which it would be beyond the means of a small area to meet. He knew of certain places in the Chitaldrug District where they wanted to go back to their old position as Village Panchayets. He was therefore for retaining the population limit at 3,000.

THE SECOND MEMBER OF COUNCIL explained that this question was fully discussed by the municipal committee before the minimum was fixed upon and that it was not desirable to reduce it.

This provision was accepted.

(2) Elections.

THE SECOND MEMBER OF COUNCIL explained as follows :—

Provision has been made for adult suffrage subject to the condition that in order to be qualified to be a voter, one should have resided in the municipality for a period of not less than six months prior to the date of election.

of the committee and raised the contribution to Rs. 100 ranging to Rs. 150. In this matter, Government had constituted themselves as super-experts. In his opinion, in no other country had Government called themselves super-experts. On the other hand, when they consulted the experts, they always accepted their recommendations.

THE DEWAN said that Government were the deciding authority taking the advice tendered by the committee.

MR. H. C. DASAPPA said that the main reason for raising the contribution was that people in other places paid such a high rate of contribution. But he asked whether in those places, the block system had also been introduced. When the rate was fixed at Rs. 90 ranging to Rs. 120, the conditions were very good. It was a wonder to him that the Government should have raised the rate to Rs. 150 at a time of general economic depression and when the raiyats had absolutely no money with them.

Referring to contributions, the speaker said that Government had ordered that a rebate of 5 per cent would be given if the whole contribution was paid before the end of the year in which water was first made available. Otherwise, the raiyats had to pay it in 10 instalments, with interest at 6¼ per cent on the unpaid instalments. Government had charged interest in spite of the fact that, on a previous occasion, they said they would not levy any interest. He asked whether Government were levying such an interest on the *takavi* loans also. He did not think that the levy of interest on the amounts due from the raiyats by way of contribution was called for.

Referring to water rate, Mr. Dasappa said that the rates now fixed, *viz.*,—

Rs. 4 for the first year;
Rs. 6 for the second year;
Rs. 8 for the third year; and
Rs. 10 from four to six years

were very high. In addition to that, Government had reserved to themselves the power to revise the rates after six years. He did not think that this was justified. In every contract, there ought to be an offer and an acceptance. In the present case, the Government had taken all power to themselves regardless of all principles of contract. The poor raiyats had, without understanding the implications, given mutchalikas incorporating these conditions. But the speaker thought that those were impossible conditions and should not be insisted upon.

Referring to the experimental farm at Gandalu, Mr. Dasappa said that the Government had acquired about 300 acres of the best lands of the raiyats and given them lands elsewhere in exchange at a very great distance. That was not right. After all, the farm was not in a central place. For these reasons, he represented that these lands might be given back to the raiyats.

MR. D. S. MALLAPPA observed that, at a meeting of the raiyats numbering about 700 held in the Town Hall, Mysore, the practical working of the block system of irrigation as also the difficulties experienced by the raiyats consequent on the introduction of the system were discussed at great length by the raiyats. They decided to approach the Dewan on this matter and later on, when they waited in deputation on the Dewan, it seemed both the Dewan and the First Member of Council patiently listened to their grievances and agreed to constitute another committee to investigate into the matter. The raiyats thereupon felt very glad. But their grievance was not merely the formation of a committee. It was also against the high rate of acreage contribution. The maximum contribution payable by them had been raised from Rs. 120 to Rs. 150. That was a great hardship on them. The committee that had been appointed by Government recommended a contribution of Rs. 90 to Rs. 120 per acre after a full investigation of the local conditions and the economic position of the raiyats. But the Government, regardless of this recommendation, had increased it to Rs. 100 to Rs. 150 per acre. There was, no doubt, a member representing the local raiyats on the committee, and it was not known why he did not put up a protest against the recommendations of the committee proposing a higher rate of contribution. In any case, the raiyats required immediate relief in both directions referred to in the motion. The speaker hoped that Government would do them justiee.

MR. H. K. MADAIYA said that, on the agitation on behalf of the people of the Mandya Taluk, a representative of that taluk was taken to the committee. But the raiyats of three taluks including Malvalli were concerned in this irrigation system and the people of Malvalli who did not make any *galata* at all about it had no representation on the committee. This scheme for which a large portion of the State's money was spent benefited the people of three taluks, of which only one taluk was represented on the committee as was stated already. He therefore requested that a

Munsiffs have been empowered to decide election petitions, appeals being allowed to the High Court from the order of the Munsiff only on points of law.

He added that the Mysore State would have set an example to other places by the adoption of adult suffrage. It would also do away with the property qualification.

MR. B. GOPALACHAR was not in favour of introducing adult franchise on the ground that the people in the villages were quite illiterate. He was of opinion that the experiment should be tried in bigger municipalities to start with.

KHAN BAHADUR MAHOMED ABBAS KHAN and MR. KHAJA PEERAN, on the other hand, were for making a beginning from the bottom and gradually applying the principle of adult suffrage in the case of elections to all other constitutional bodies. They also suggested that the *gosha* ladies should be given the privilege of voting by proxy.

The general feeling of the Assembly was against the introduction of the proxy system in elections as it would lead to grave abuses.

MR. G. CHANNAPPA said that, to meet such cases, women polling officers might be appointed instead of introducing the proxy system.

THE DEWAN said that it might be possible to provide in the rules for a suitable procedure.

MR. V. V. IYER pointed out that, under the proposed measure, residence for six months was deemed necessary. There might arise cases where some people might have to live outside for that period in the interest of their health, and in such cases, it would be unjust to deny them the privilege of voting. He thought that such cases should also be provided for.

THE DEWAN replied that the question of providing for such cases might be considered.

MESSRS. D. S. MALLAPPA and V. VENKATAPPA wanted the elected element in the minor municipalities also to be increased from half to two-thirds.

THE DEWAN said that the suggestion would be noted.

With regard to the second sub-para MR. MAHOMED IMAM thought that, instead of appeals being permitted direct to the High Court, it might be made to lie to the Sessions Court.

THE SECOND MEMBER OF COUNCIL said that it was not necessary to provide for intermediate judiciary.

Thereupon the provision was agreed to.

(3) Presidents and Vice-Presidents.

THE SECOND MEMBER OF COUNCIL explained as follows :—

The policy as regards the appointment of Presidents and Vice-Presidents, their term of office, the circumstances under which they may be removed and they have to vacate their offices are the same as those provided in the City and Town Municipalities Bills.

This clause was agreed to.

(4) Executive Officer.

THE SECOND MEMBER OF COUNCIL explained as follows :—

The executive power in minor municipalities is, as heretofore, vested in the President who is made responsible for the due fulfilment of the purposes of the Regulation.

In order to enable the President to carry out his functions without undue interference, he has been invested with powers independent of the municipal council in certain cases (*vide* Clauses 26, 34, 69, 79, 81, 82, 83, 85, 89 and 101).

This was accepted.

(5) Liabilities of the Municipal Councillors and Municipal Officers.

THE SECOND MEMBER OF COUNCIL explained as follows :—

As in the City and Town Municipalities Bills, the councillors who are not invested with executive functions are made liable not only for misapplication but also for loss or waste of municipal fund or property caused directly by their misconduct. The councillors and other persons who are vested with executive functions or to whom such functions are delegated are made liable for loss, etc., caused by neglect as well as misconduct.

MR. B. GOPALACHAR brought to notice the case of some councillors who might not have attended the meetings at all and enquired why they should be penalised.

THE SECOND MEMBER OF COUNCIL replied that it was only in cases involving misconduct of the councillors that this provision would apply and that the same principle had been adopted in the case of the other types of municipalities.

Thereupon the provision was accepted.

(6) Appeals.

THE SECOND MEMBER OF COUNCIL explained as follows :—

Appeals are allowed to the municipal council from the orders of the President.

MR. T. MARIAPPA suggested that a specific provision should be embodied for a further appeal to the Deputy Commissioner. For, under Section 221, the Deputy Commissioner could only call for records and submit them to Government for orders, and that the same procedure for further appeal should be adopted in the case of town municipalities also.

THE SECOND MEMBER OF COUNCIL said that the question of town municipalities did not arise here but that in regard to minor municipalities, necessary provision was contained in Sections 36 and 38.

This was agreed to.

(7) Control.

THE SECOND MEMBER OF COUNCIL explained as follows :—

In order to provide for prompt remedial measures when emergencies require, the Assistant Commissioner of the taluk in which the municipality is situated is given wide powers as regards inspection, supervision and control.

MESSRS. D. S. MALLAPPA and B. GOPALACHAR said that the word 'Deputy Commissioner' should be substituted for 'Assistant Commissioner.'

THE DEWAN replied that it could not be done as, in the case of minor municipalities, it would not be possible for the Deputy Commissioner to do all the supervising and controlling work. An Assistant Commissioner was for most purposes as good as a Deputy Commissioner.

This was agreed to.

Sub-Paras 2 and 3.

THE SECOND MEMBER OF COUNCIL explained as follows :—

As in the town and city municipalities, the Deputy Commissioner is empowered to surcharge persons responsible therefor after affording them opportunity to explain.

Provision has also been made for investigation by Government of complaints from rate-payers against municipal

administration and dissolution of municipal councils in cases of necessity.

The above provisions were accepted.

(8) *Taxation.*

THE SECOND MEMBER OF COUNCIL explained the principles as follows:—

Minor municipal councils are at present required to impose taxes at a uniform rate throughout the State. Town and city municipal councils have power to fix and vary the rates of taxes according to their requirements and for this purpose, they have to frame rules which take effect only on sanction of Government being obtained thereto. Village Panchayets have power to fix the rates of taxes subject to the maxima prescribed by the Government. The power to fix the rates within the maxima approved by the Government and to vary the rates from time to time as may be deemed expedient, is given to the municipal councils in the present Bill.

In order, however, that the rates may not be fixed unduly low, power has been reserved to the Government to require the municipal councils to increase the income by imposing any new taxes or enhancing the rates of existing taxes.

Power has also been taken to Government to appoint for each district an assessor for assessing taxes imposed in the form of a rate on buildings and lands as in the city and town municipalities.

MESSRS. D. S. MALLAPPA and H. B. GUNDAPPA pointed out that, having extended the privilege of adult suffrage to these bodies, it was not right for the Government to curtail the ordinary rights due to them under the local self-government scheme. They therefore pleaded that the levy of taxation might be left to the discretion of the municipal bodies concerned, as they might be trusted to regulate it according to the needs of the particular locality and according to the capacity of the people.

THE SECOND MEMBER OF COUNCIL observed that, having given extra powers to the minor municipalities, Government deemed it necessary to make provision for certain safeguards. He assured the Assembly that Government would exercise the reserve power only when a particular council failed to collect enough money to carry on its primary functions.

MR. H. B. GUNDAPPA suggested that, as in the case of the Village Panchayets, the Government might fix both the minimum and maximum rates here also. He said that the proposal embodied in the Bill was opposed to all canons of taxation.

THE SECOND MEMBER OF COUNCIL explained that the case of the Village Panchayet was quite different. In the other Bills, the maximum alone was fixed; but in the case of the Minor Municipalities Bill a special provision like this was made because the income of the minor municipality was already low and the council should not be allowed to reduce it further by not levying suitable taxes.

THE DEWAN added that, if a minimum was fixed, there would be no elasticity and the council cannot go below it. He enquired whether a minimum could be fixed based on the existing rates.

Many members did not agree to fix any minimum rate.

THE SECOND MEMBER OF COUNCIL explained that the power reserved to Government in this connection was a special one not to be exercised in the every day municipal administration.

As a general rule, in most municipalities, no adequate taxes were levied with the result that the municipalities did not find sufficient finances to carry on their every day administration. In order to compel them to levy adequate taxes, Government had reserved a special power.

MR. H. B. GUNDAPPA said that the Government, with its headquarters at a distance, would not have known the actual condition of a minor municipality and the taxes might be enhanced without reference to these conditions. That was the reason why he wanted that power to be vested entirely with the municipal council.

THE SECOND MEMBER OF COUNCIL drew the attention of the member to the wording of the section itself which explained under what circumstances Government could exercise such power.

KHAN BAHADUR MAHOMED ABBAS KHAN pointed out that such a kind of reserve power was taken in the other Regulations also and that there was no objection to leave the proposed section as it was.

MR. D. S. MALLAPPA observed that, if a particular municipality thought that their income was not sufficient, it would certainly raise its tax and do all that was necessary.

THE DEWAN observed that, if the obligatory duties were not carried out for want of money and if a municipality did not attempt to increase its income to carry out such duties, its object would not be fulfilled.

MR. D. S. MALLAPPA pointed out in reply that there was provision for suspending or closing the municipality.

THE DEWAN observed that suspension or closure was hardly the remedy to be applied and that it would be a very drastic step to take.

THE SECOND MEMBER OF COUNCIL said that the provision was meant to be a sort of caution to the municipality, that, in case they did not find adequate income to meet their ordinary obligatory duties, they would come under the reserve power of Government. If the members had any doubts in regard to the exercise of this power by Government, he said that Government had no objection to add the following proviso to the section, *viz.*,—

"Provided that in no circumstances shall the Government require the rate of taxes to be increased beyond the maximum prescribed."

MR. D. S. MALLAPPA did not agree to this amendment.

THE SECOND MEMBER OF COUNCIL thereupon said that it would not be possible to give entire discretion in the matter of taxation to minor municipalities.

MR. P. SITHARAMIAH also thought that Government should possess the reserve power.

Thereupon the provision was put to vote and carried.

(9) *Rules.*

THE SECOND MEMBER OF COUNCIL explained as follows:—

Though the existing Municipal Regulation gives power to the municipal councils to frame bye-laws, many municipal councils have not framed bye-laws and the administration of minor municipal councils has, to some extent, been hampered by the absence of bye-laws. It has been considered expedient to take away from the minor municipal councils the power to frame bye-laws and to retain in the hands of Government the power to make rules, to regulate all matters concerning minor municipalities and to prescribe punishments for violation of rules.

The above provision was agreed to without discussion.

At this stage, the Assembly rose for lunch and met again at 3-30 p.m.